Our Ref: A098859

Local Plans Team  
Planning and Strategic Services  
South Staffordshire Council  
South Staffordshire Council Offices  
Wolverhampton Road  
Codsall  
South Staffordshire  
WV8 1PX

24th February 2017

dear sirs,

south staffordshire site allocations document (SAD) publication plan January 2017: consultation

introduction

WYG are instructed by Lone Star Land Ltd in respect of their land interests at Cherrybrook Road, Penkridge. The site is the subject of a long standing allocation as ‘Safeguarded Land’ under policy GB4 of the South Staffordshire Local Plan 1996. A site plan is attached to this letter.

These representations seek to support the allocation of my client’s land through the current SAD. In doing so they draw upon the following arguments to demonstrate that the SAD, as drafted is not ‘sound’;

a) It is common ground (reflected in the site’s long standing Safeguarded Land allocation) that the site is suitable, available and deliverable for residential development of circa 80 units.

b) The land a Cherrybrook Drive should be moved from the Safeguarded Land category, to a positive allocation in the current SAD Plan.

c) In choosing not to allocate the site at this time, in preference for other sites currently within Green Belt, the Council have not complied with their own Core Strategy (CS) policies CP1 or CP6, or Strategic Objective 1.

d) The Council have not identified clearly any “exceptional circumstances” (NPPF 83) which warrant the identification of other Green Belt sites for positive allocation, ahead of an area already removed from Green Belt and safeguarded specifically for the purpose of meeting a need for Housing Land.
e) The Plan departs from the emerging guidance contained in the Housing White Paper (para 1.39) that Councils should only allocate Green Belt land after “they have fully examined all other reasonable options for meeting their identified development requirements”.

f) The Plan does not make sufficient provision for housing land to meet the Council’s OAHN. In the light of the above arguments, explored in more detail below, it is concluded that key policies are unsound, as they will not deliver sufficient or sustainable housing growth to meet the Council’s housing need. In addition, it is recommended that before the Plan is progressed further, the issue of addressing OAHN and Birmingham’s unmet housing need (which should be significantly clearer by the Autumn of 2017 following completion of a review currently being instructed), is addressed.

**Policy SAD1: Local Plan Review**

Policy SAD1 is objected to as it is not considered *sound*, in that it has not been *positively prepared nor justified*. It neither presents an appropriate strategy for meeting OAHN nor for meeting the unmet needs from neighbouring authorities.

Whilst the complexity of overlapping timetables is noted, it is not appropriate for this plan to further defer consideration of the Borough’s OAHN to a subsequent ‘early review’ of the Plan. A review mechanism does not absolve the Council from considering its properly identified OAHN at this time. The Housing figures of the Core Strategy, based as they are on Core Strategy (CS) Plans whose genesis is pre Framework, and whose housing policies draw on the now revoked and abandoned former RSS targets, are already significantly out-of-date. There is no proper justification given as to why the Council is not capable of addressing OAHN either through this Plan process and incorporated into the SAD, or as a partial review of the CS itself (NPPF 153). Given that the CS (para 8.14) envisaged the SAD would be adopted within 2 years of its own adoption (ie by 2014), the commitment to an early review is not supported by evidence that the Council are capable of delivering such a review in a timely fashion.

The work to identify the potential quantum and distribution of Birmingham’s unmet need is in the process of being commissioned, with an expected delivery date of September 2017. It would seem entirely appropriate that rather than to proceed with this Plan, which is already based on an out-dated target for Housing land, and will be made further redundant with the work addressing Birmingham’s unmet housing need, that the SAD plan making process should be paused. This would allow a more accurate understanding of OAHN to be achieved, and ultimately would save wasted resource being invested into a plan with built in obsolescence. Such an approach was adopted in similar circumstances at the West Oxfordshire Local Plan Hearings, where in the Inspector’s interim conclusions (December 2015) he noted;
"7.3 ... The NPPF refers to planning strategically across local boundaries in paragraphs 178-181. The soundness test of being ‘positively prepared’ states that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. In my view, this requirement would normally mean that a plan should seek to address the needs of an adjoining area where there is clear evidence of unmet need, as is the case here....

7.7 If the local plan were to proceed to adoption without having regard to any apportionment that had been made by the Oxfordshire Growth Board, it would immediately be out of date. Such a plan would be inconsistent with one of the aims of the plan-led system which is to bring more certainty as to where development would take place. In addition, the development strategy of the plan may well not be appropriate to accommodate any significant needs from Oxford and additional new greenfield sites would need to be found. It would not be conducive to planning for sustainable development for potential additional sites to meet West Oxon’s needs (arising from an increased housing requirement) to be considered in isolation from sites required for Oxford City’s needs. The combination of needs might well result in a different scale/location of site being required, changing the mix of relevant considerations in the choices that have to be made.”

The parallels with the West Oxfordshire position are notable; an emerging Plan, proposing an early review to address a neighbouring Council’s soon to be determined unmet need. In West Oxon the Inspector clearly identified the planning risks of such a strategy being principally that the Plan would be out-of-date upon adoption, and that the resultant strategy may not actually be the most sustainable strategy to meet OAHN. He railed against incremental and piecemeal planning.

Presenting a Plan for consultation whose premise is based upon an acknowledged flaw in its understanding of true OAHN, and requires of itself a need for an early review, is the antithesis of positive plan making. The adopted 2012 Core Strategy envisaged the SAD adoption within 2 years (CS para 8.14), but it is only now being consulted upon in draft in 2017, such that confidence about the ability to deliver on a pledge of an early Plan review, is low. South Staffs are invited to re-consider the appropriateness of pursuing this plan at this time before OAHN is identified, when there are already safeguarded land allocations capable of addressing any immediate short term identified housing need, and where progressing a plan too early runs a material risk of creating an unsustainable pattern of development going forward.

In the light of the above the following conclusions are drawn;
1) That the plan should not be submitted for Examination, until a true understanding of OAHN is understood as required through the NPPF et al, and the quantum of housing to be provided to address the unmet need from Birmingham City is better understood.

2) In the event that the Plan is pursued, Policy SAD1 is found unsound as it is not positively prepared and does not meet OAHN. In and of itself, the policy does little more than repeat the statutory requirement of the Duty to Co-operate, and does not aid an understanding of how the Council will meet that obligation in this Plan through provision of OAHN.

**Policy SAD2: The Housing Allocations**

Policy SAD2 is objected to as it is not considered *sound*, in that it has not been *positively prepared*, is not *justified*, *effective* nor *consistent with national policy*. It neither presents an appropriate strategy for meeting OAHN nor for meeting the unmet needs from neighbouring authorities, the release of Green Belt sites ahead of a recognised non-Green Belt option is not justified, it does not flow from an understanding of cross-boundary housing need issues, and it is not consistent with national Green Belt policy.

WYG are familiar with arguments being made against the SAD by the HBF, in particular they support the HBF’s statements on OAHN and ‘safeguarded land’ which state;

“The SAD seeks to deliver by site specific proposals and policies for the use of land the vision and objectives of the adopted Core Strategy which is based on constrained RSS figures rather than OAHN. However as set out in the NPPF and NPPG the Council cannot just ignore new evidence on OAHN which demonstrates a figure higher than 175 dwellings per annum for South Staffordshire is needed plus unmet needs arising in Birmingham city.

The adopted housing requirement of the Core Strategy is a minimum of 3,850 dwellings for the period 2006 – 2028. The Council calculates that there is a residual housing land requirement of 1,012 dwellings to meet this minimum housing figure. The SAD allocates 19 residential sites for 1,070 dwellings providing a contingency of only 58 dwellings over and above the minimum housing figure which is itself based on a constrained and out of date RSS housing number that is lower than the latest OAHN estimate.

The SAD also seeks to identify safeguarded land for the period 2028 – 2038. The SAD allocates 86.8 hectares of safeguarded land on 16 sites equivalent to approximately 1,750 dwellings (175 dwellings per annum multiplied by 10 years) distributed as 1,575 dwellings in the Main Service Villages (MSV) and 175 dwellings in the Local Service Villages (LSV). The Council proposes to retain the status of this safeguarded land until after a review of the adopted Core Strategy which is not expected to be in place until 2022.
The Council’s proposed allocation of sites to meet a housing figure of only 175 dwellings per annum and not to release safeguarded land until post 2022 will not meet OAHN of South Staffordshire nor contribute to unmet needs arising elsewhere in the HMA. This approach is contrary to the Government’s White Paper’s emphasis on planning for the right homes in the right places in particular making enough land available and assessing housing requirements.”

In addition to the HBF’s comments, it is further noted that SAD2 seeks to identify a range of sites, many of which are currently covered by Green Belt. The list below identifies those sites currently the subject of Green Belt notation which is proposed to be amended to allow for their allocation;

- Lane off Pendeford Mill Lane, Bilbrook (Site Ref: 443)
- Land at Keepers Lane, Codsall (Site Ref: 406)
- Land off Engleton Lane, Brewood (Site Ref: 54)
- Land off Saredon Road, Cheslyn Hay (Site Ref: 119)
- Land at Pool View, Churchbridge, Great Wyrley (Site Ref: 139)
- Land at Ladywood Lane, Great Wyrley (Site Ref: 136)
- Land west of School Lane, Coven (Site Ref: 86)
- Land at Brindsford Lodge, Featherstone (Site Ref: 168)
- Land off Hyde Lane (east), Kinver (Site Ref: 270)
- Land South of White Hill, Kinver (Site Ref: 274)
- Land west of Wrottesley Park Road (south), Perton (Site Ref: 239)
- Land off Himley Lane (north), Swindon (Site Ref: 313)
- Land North of Beggars Bush Lane, Wombourne (Site Ref: 302)
- Land North of Bridgnorth Road, Wombourne (Site Ref: 283)

From this list it can be seen that the Council have elevated current Green Belt sites totalling some 831 units to full allocations. These units have been allocated whilst ignoring the potential of my client’s existing safeguarded land at Penkridge, a site which is specifically held for the purpose of meeting this housing land need without necessitating the release of Green Belt. The Council’s approach does not sit easily with the new Housing White Paper’s (February 2017) announcement that authorities should amend Green Belt boundaries only when they can demonstrate that they have fully explored all other reasonable options for meeting their identified development requirements (para 1.39). It seems that the approach of South Staffordshire fails this proposed test on 2 counts;
• there is clearly a reasonable non-Green Belt option in the Safeguarded Land at Penkridge, which has been overlooked in favour of Green Belt release, and

• the options do not meet the Council’s OAHN development requirements, which the Council have chosen to defer consideration of, to a later date.

Perhaps more significant however, is that such an approach is inconsistent with adopted Core Policy CP1. It sets out a hierarchy of settlement strategy, identifying that 90% of development should be in the Main Service Villages (of which Penkridge is one), and 10% in Local Service Villages. Beyond that housing in 'Other Villages and Hamlets’ will only be allowed ‘exceptionally’ and will be resisted ‘Outside the Service Villages’. Green Belt and Open Countryside sit below that.

The SAD departs from this approach. It introduces a new approach to distribution based on balancing development between the 5 Locality Areas. This approach is not promoted or supported by Core Policy 1 or Core Policy 6 and appears to be a creation of the SAD process. It is significant because the locality areas are used to justify discounting the release of the non-Green Belt ‘safeguarded land’ at Penkridge based on a ‘need’ argument, ie Penkridge has met its previous allocation therefore there is no need to release safeguarded land. Such a proposition is not however supported by the CS policies which seek to protect Green Belt, and encourage development to be focussed in the MSV’s. There is nothing within policy to suggest that when the then allocations were made this should act as a cap on future growth, with preference given to Green Belt release in its lieu. Indeed the approach adopted in the SAD runs contrary to Strategic Objective 1 which is to protect the Green Belt.

The Council’s approach appears counter-intuitive, it seems to penalise Penkridge as being a location which has demonstrated it has been capable of housing delivery against target, in favour of allocating additional sites elsewhere, which have not delivered on previous targets. Given the strong emphasis on delivery in the NPPF and the Housing White Paper, the approach seems one which is unlikely to lead to achievement of significantly boosting housing supply (NPPF 47). All of this is in the context of the SAD perpetuating an annualised housing target of only 175 dwellings, a figure which the Housing Topic paper (para 2.1) acknowledges “is not an OAN and does not represent an up to date assessment of housing need”. It is difficult to understand the basis upon which the Council consider the plan could be found sound, when it is promoting a development strategy which it knowingly accepts does not address OAHN.

In the light of the above the following conclusions are drawn;

1) Policy SAD 2 should be amended to include sufficient sites to address OAHN, the 175 dw/yr target of a revoked RSS should be abandoned.

2) Policy SAD 2 should be amended through the positive allocation of non-Green Belt land previously identified as Safeguarded Land at Cherrybrook Drive, Penkridge for up to 80 units.
3) The policy as currently drafted is unsound, as it fails to address any of the NPPF 182 tests.

**Policy SAD3: Safeguarded Land**

Policy SAD3 is objected to as it is not considered *sound*, in that it has not been *positively prepared*, and is neither *justified*, nor *effective*. It neither presents an appropriate strategy for meeting OAHN nor for meeting the unmet needs from neighbouring authorities.

The identification of land at Penkridge (Site Ref No. 005) as safeguarded land is considered unsound. The site should be allocated for development with immediate release. Penkridge is typified as an area with a strong track record on housing delivery, and the Council need to identify sites capable of early delivery, preferable out-with the Green Belt. The Penkridge site should be elevated to a site specific allocation under Policy SAD2.

**Policy SAD9 – Key Development Requirements**

Policy SAD9 is objected to as it is not considered *sound*, in that it is not *consistent with national policy*. This policy states that "*the housing mix should reflect the requirements of existing Core Strategy Policies H1, H2 and H4*". However it is noted that these policies are out of date and no longer consistent with national policy. In particular Policy H1 on Lifetime Homes standards and Policy H2 affordable housing site thresholds are contrary to the Written Ministerial Statement of 28th November 2014. Moreover the Housing Mix policies of the Core Strategy are based on an out-of-date evidence base.

Several parts of the policy set out expectations for documentation to accompany a planning application, including requirements for ‘Flood Risk Assessment’ and ‘Transport Assessment’. These are matters better addressed through a Local Validation List of application requirements where they can be amended and kept up to date on a more regular and flexible basis, rather than in adopted policy.

Policy SAD 9 is unsound and should be amended to remove reference to out-of-date Core Strategy policy. It should remove reference to requirements of planning application documentation which are for the Local Validation List, and it should instead focus on development outcomes.

Yours sincerely

Keith Fenwick

**Director**

WYG Environment Planning Transport Limited